IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 366 OF 2007
IN
WRIT PETITION NO. 182 OF 2007

FOMENTO RESORTS AND HOTELS LTD
THROUGH MANAGING DIRECTOR ANJU
TIMBLO AND 2 ORS., ... Applicants

Versus

VILLAGE PANCHAYAT OF TALEIGAO ... Respondent

Ms. Swati Kamat, Advocate for the applicants.

Mr. H. D. Naik, Advocate for the respondent.

Coram:- D.G.DESHPANDE, J.

Date:- 21st May, 2007

P.C.

Ms. Kamat, Advocate for the applicants-original petitioners and Mr. Naik, Advocate for the respondent present. Mr. Naik files affidavit-in-reply to this application. The same is taken on record.

2. The intervenors are served as per the statement made by the advocate for the applicants. However, they are are absent. It appears from the prayer of this application that passing of any orders in the absence of the intervenors would not cause any prejudice to them.

3. The applicants seek permission to remove the sand, blocking the mouth of the nullah to allow free flow of water back and forth from the sea and also clear whatever material that is accumulated and decomposing in the nullah. The Advocate for the respondent-Panchayat states that this can be done by the Panchayat because it is the duty of the Panchayat. Advocate for the respondent-Panchayat has shown willingness to perform

the task as per the prayer of the applicants.

4. Since it is the duty of the Panchayat to clean the nullah for all the purposes referred to in the prayer clause of this application, I grant liberty and permission to the respondent-Panchayat to clean the nullah as per the prayer of this application, on or before Thursday, the 24th May, 2007 by 5.00 p.m. No further time will be granted. This permission is granted without prejudice to the rights and contentions of the parties and the earlier orders passed by this Court.

5. Advocate for the respondent-Panchayat agrees to file compliance report to this Court pursuant to the directions contained in this Order on the next date of hearing. Civil application disposed of.

Copies of this order, duly authenticated by the Sheristedar, be issued to the parties.

D.G.DESHPANDE, J.

ssm.